

RESOLUTION NO. 74813

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
JOSÉ SUMMARILY VACATING A PORTION OF A PUBLIC
SERVICE EASEMENT AT 2581 & 2585 SAMARITAN DRIVE**

WHEREAS, subdivision (c) of Section 8333 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate a public service easement if it has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the City Council intends to summarily vacate a portion of the public service easement (hereinafter the "Easement") constituting all that real property situated in the City of San José, County of Santa Clara, State of California, more particularly described as:

REAL PROPERTY in the City of San José, County of Santa Clara, State of California, being a portion of the 10 foot Public Service Easement within Parcel B as shown on that certain Parcel Map filed for record on October 24, 1985, in Book 551 of Maps, pages 1 and 2, Santa Clara County Records, described as follows:

BEGINNING at the southerly corner of Parcel A as shown on said Parcel Map, being on the northeasterly line of Samaritan Drive;

Thence along the southwesterly line of said Parcels A and B, northwesterly, along a curve to the left, having a radius of 445.00 feet, whose center bears South 71°56'35" West, through a central angle of 33°19'55" for an arc length of 258.88 feet, to the TRUE POINT OF BEGINNING;

Thence along the southwesterly line of said Parcel B, the following three courses:

1. Thence continuing along said curve to the left, having a radius of 445.00 feet, through a central angle of 17°26'16" for an arc length of 135.43 feet;
2. Thence North 68°49'35" West, 190.01 feet;
3. Thence along a tangent curve to the right, having a radius of 40.00 feet, through a central angle of 60°57'03" for an arc length of 42.55 feet, to the southwesterly prolongation of the southeasterly line of said 10 foot Public Service Easement;

Thence along said prolongation, North 33°32'03" East, 26.46 feet, to the southeasterly line of said 10 foot Public Service Easement;

Thence along the easterly and northeasterly lines of said 10 foot Public Service Easement, the following three courses:

1. Thence southerly, along a non-tangent curve to the left, having a radius of 30.00 feet, whose center bears South 56°27'57" East, through a central angle of 102°21'38" for an arc length of 53.60 feet;
2. Thence South 68°49'35" East, 190.01 feet;
3. Thence along a tangent curve to the right, having a radius of 455.00 feet, through a central angle of 17°26'16" for an arc length of 138.48 feet;

Thence South 38°36'41" West, 10.00 feet, to the TRUE POINT OF BEGINNING.

Containing 0.09 acres, more or less.

WHEREAS, on January 30, 2009, the Director of the Department of Public Works approved that certain map entitled "Plat Map Showing that portion of a public service easement at 2581 & 2585 Samaritan Drive to be vacated" showing the portion of the Easement that the City Council intends to summarily vacate (hereinafter "Map"); and

WHEREAS, attached to this Resolution as Exhibit "A" is a copy of the report, dated February 9, 2009, that the Director of the Department of Public Works submitted to the City Council setting forth the reasons justifying the summary vacation of the Easement (hereinafter "Report");

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

SECTION 1. The City Council hereby adopts the Report and, based upon the Report and all other evidence submitted, makes the following findings:

1. The Easement has been superseded by relocation; and
2. No public facilities are located within the Easement that would be affected by a summary vacation; and
3. The Easement is not needed for present or prospective easement purposes; and
4. The public convenience and necessity does not require reservation of any portion of the Easement.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8333 of the Streets and Highways Code, the City Council does hereby order that the Easement shall be and hereby is summarily vacated.

SECTION 3. The City Clerk is hereby directed to record at Santa Clara County Records this Resolution, including Exhibit "A" hereto, and the Map.

SECTION 4. The Easement will no longer constitute a Public Service Easement from and after the date of recordation of the documents identified in Section 3 of this Resolution.

ADOPTED this 3rd day of March, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE.

NOES: NONE.

ABSENT: REED.

DISQUALIFIED: NONE.

JUDY CHIRCO
Vice Mayor

ATTEST:

LEE PRICE, MMC
City Clerk